

Lester L. Levy (Admitted Pro Hac Vice)  
Michele F. Raphael (Admitted Pro Hac Vice)  
WOLF POPPER LLP  
845 Third Avenue  
New York NY 10022  
Telephone: 212.759.4600  
Facsimile: 212.486.2093  
e-mail: [llevy@wolfdpopper.com](mailto:llevy@wolfdpopper.com)  
e-mail: [mraphael@wolfdpopper.com](mailto:mraphael@wolfdpopper.com)

William M. Audet (SBN 117456)  
Jason Baker (SBN 212380)  
ALEXANDER, HAWES & AUDET, LLP  
152 North Third Street, Suite 600  
San Jose, CA 95112  
Telephone: 408.289.1776  
Facsimile: 408.287.1776  
e-mail: [waudet@alexanderlaw.com](mailto:waudet@alexanderlaw.com)  
e-mail: [jbaker@alexanderlaw.com](mailto:jbaker@alexanderlaw.com)

*Attorneys for Plaintiffs and the Proposed Class*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a )  
INDUSTRIAL PRINTING, and HOWARD )  
STERN, on behalf of themselves and all )  
others similarly situated, )

Plaintiffs, )

vs. )

GOOGLE, INC., )

Defendant. )

CASE NO: C05-03649 JW

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT AND  
ENJOINING IMPROPER BILLING  
PRACTICES**

Fed. R. Civ. P. 56

Date: November 6, 2006

Time: 9:00 a.m.

Dept.: 3

Judge: Honorable James W. Ware

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION  
FOR PARTIAL SUMMARY JUDGMENT AND ENJOINING  
IMPROPER BILLING PRACTICES

Case No: C05-03649 JW

Doc. 154627

1 Plaintiffs' Motion for Partial Summary Judgment on liability as to their claims for  
2 Defendant's violation of California Business and Professions Code § 17200 et seq.; violation of  
3 California Business and Professions Code § 17500 et seq. and for unjust enrichment, brought  
4 pursuant to Federal Rules of Civil Procedure 56, having come on for hearing, the Court having  
5 considered all relevant documents and evidence and having considered the arguments of counsel,  
6 and good cause appearing therefor:

7 IT IS HEREBY ORDERED that Plaintiffs' Motion for Partial Summary Judgment is  
8 granted, this Court finding that Defendant violated California Business and Professions Code §§  
9 17200 and 17500 and unjustly benefitted thereby. As Defendant's improper practices are  
10 continuing, Defendant is enjoined from advertising or promoting its AdWords program as  
11 allowing an advertiser to set a daily budget and control its costs and then billing in excess of the  
12 daily budget for days the ad is active.

13  
14 Dated: \_\_\_\_\_, 2006

15  
16 \_\_\_\_\_  
Honorable James W. Ware  
U.S.D.C., Northern District of California

17  
18 Respectfully submitted:

19 **WOLF POPPER LLP**

20  
21 By: \_\_\_\_\_/s/  
Michele F. Raphael (Admitted Pro Hac Vice)

22 *Attorneys for Plaintiffs and the Proposed Class*  
23  
24  
25  
26  
27

28 \_\_\_\_\_  
[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION  
FOR PARTIAL SUMMARY JUDGMENT AND ENJOINING  
IMPROPER BILLING PRACTICES

Case No: C05-03649 JW